

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22380)
of Jane S. Ophuls et al. to Appro-) Decision 1318
priate from York Creek in Napa County)

DECISION DENYING APPLICATION

Jane S. Ophuls et al. having filed Application 22380 for a permit to appropriate unappropriated water; protests having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

1. Application 22380 is for a permit to appropriate 10,000 gallons per day by direct diversion from January 1 to December 31 of each year for domestic purposes from York Creek in Napa County. The point of diversion is to be located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 27, T8N, R6W, MDB&M.

2. Applicants propose to pump water from York Creek to a 200,000-gallon redwood storage reservoir from which they will serve 50 homes that they propose to build on about 250 acres of land. To date, no diversions have been made and plans for the project are not final.

3. York Creek commences about 1-1/2 miles above applicants' point of diversion. Below applicants' point of diversion the creek flows 1/2 mile to protestant City of St. Helena's upper reservoir and thence another 1,500 feet to the point of diversion of St. Helena's lower reservoir. These reservoirs provide a portion of the municipal and industrial water supply for the City of St. Helena.

4. Evidence submitted to the Board indicates that the City of St. Helena has pre-1914 water rights to the use of water from York Creek. The city commenced diversions from the creek in 1876. In 1878 the city constructed the 123-acre-foot capacity lower reservoir. The upper reservoir (of 40-acre-foot capacity) was constructed in 1900. In 1883 the city acquired some water rights by condemnation and in 1922 the city acquired the water rights of the St. Helena Water Company, which was incorporated in 1877. Subsequent to 1922, the city filed applications for the use of water from other creeks to meet its expanding municipal needs (see Applications 11816 and 20625).

5. During the field inspection on August 29, 1967, there was no surface flow in York Creek below the intake to the City of St. Helena's lower reservoir.

6. Developed records of flows in York Creek indicate that there is sufficient water to fulfill the needs of both the applicants and protestants during the winter months.

However, during the period June 15 through October 15 there would not be sufficient water in York Creek to meet demands of prior rights.

7. Since the applicant plans to divert water for domestic use, and has given no indication that a supplemental supply will be provided during the time that no unappropriated water is available in York Creek, a permit excluding the period June 15 through October 15 would be of little value.

From the foregoing findings, the Board concludes that Application 22380 should be denied.

ORDER

IT IS HEREBY ORDERED that Application 22380 be, and it is, denied.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at Anaheim, California.

Dated: DEC 5 1968

GEORGE B. MAUL
George B. Maul, Chairman

W. A. ALEXANDER
W. A. Alexander, Vice Chairman

RALPH J. MCGILL
Ralph J. McGill, Member

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member